

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND;)	
and ARTHUR H. BUNTE, Jr., as Trustee,)	Honorable Sara L. Ellis
)	District Judge
Plaintiffs,)	
)	
v.)	Case No. 16 C 3554
)	
DOUBLE M TRUCKING OF THE ILLINOIS, VALLEY, INC., an Illinois corporation,)	
)	
Defendant.)	

**PLAINTIFFS' MOTION FOR ENTRY OF
JUDGMENT AGAINST MICHAEL MROWICKI**

In accordance with the Court's Order entered on October 30, 2017, Plaintiffs, Central States, Southeast and Southwest Areas Pension Fund (the "Pension Fund") and Arthur H. Bunte, Jr., trustee (collectively with the Pension Fund, the "Plaintiffs"), hereby move for entry of a judgment order against Michael Mrowicki. In support of this Motion, Plaintiffs state as follows:

1. On May 4, 2016, this Court entered a judgment order in the amount of \$906,290.80, plus post-judgment interest, in favor of Plaintiffs and against Double M Trucking of the Illinois Valley, Inc. ("Double M") (the "Judgment"). (Dkt. No. 12 and Exhibit A hereto.)
2. On April 28, 2017, Plaintiffs filed a motion for an order of contempt (the "Contempt Motion") seeking to hold Michael Mrowicki in contempt of court and for entry of a judgment against him for violating a citation in supplemental proceedings to discover assets directed to Double M (the "Citation"). (Dkt. No. 33.)
3. On October 30, 2017, this Court granted the Contempt Motion against Michael Mrowicki and found Michael Mrowicki in contempt for violating the Citation and transferring

\$1,390,986.43 of Double M's funds in violation of the Citation (the "Contempt Order"). (Dkt. No. 63 and Exhibit B hereto.)

4. In its Contempt Order, the Court found Michael Mrowicki personally liable for the amount of the transfers up to the amount of the unpaid balance of the Judgment, plus costs.

5. To date, the full amount of the Judgment remains due and owing to the Pension Fund. (Paragraph 5 of the Affidavit of Daniel Shepard, a true and accurate copy of which is attached hereto as Exhibit A ("Shepard Affidavit ¶ __, Exhibit C hereto").)

6. Under the Pension Fund's Plan, post-judgment interest is computed and charged at an annualized interest rate equal to two percent (2%) plus the prime interest rate established by JPMorgan Chase Bank, NA for the fifteenth (15th) day of the month for which the interest is charged. (Shepard Affidavit ¶ 6, Exhibit C hereto.)

7. Through November 7, 2017, interest that has accrued on the unpaid balance of the Judgment is in the total amount of \$81,431.92. (Shepard Affidavit ¶ 7, Exhibit C hereto and Exhibit 1 thereto.)

8. As set forth in the Contempt Motion, the total amount of the transfers made by Double M in violation of the Citation is \$1,390,986.43, which is more than the total amount of \$987,722.72 (the amount of the unpaid Judgment of \$906,290.80 plus post-judgment interest of \$81,431.92). (Exhibit B hereto.)

9. Plaintiffs therefore request entry of a judgment against Michael Mrowicki in the total amount of \$987,772.72, plus post-judgment interest in accordance with the Judgment previously entered against Double M. (See Exhibit A.) The proposed judgment amount therefore consists of: (i) the Judgment amount of \$906,290.88; (ii) interest in the amount of \$81,431.92 through November 7, 2017; and (iii) post-judgment interest on the entire judgment balance at an annualized interest rate equal to two percent (2%) plus the prime interest rate established by JPMorgan

Chase Bank, NA for the fifteenth (15th) day of the month for which interest is charged and with said interest to be compounded annually.

10. In light of the foregoing, Plaintiffs request that this Court enter the proposed judgment order against Michael Mrowicki. (A copy of the proposed Judgment Order is attached hereto as Exhibit D, and has also been submitted to the Court's proposed order e-mail address.)

WHEREFORE, Plaintiffs respectfully request that the Court enter the proposed Judgment Order against Michael Mrowicki attached hereto as Exhibit D and for such other relief deemed just and proper.

Respectfully submitted,

/s/ Anthony E. Napoli

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November 1, 2017

CERTIFICATE OF SERVICE

I, Anthony E. Napoli, one of the attorneys for the Central States, Southeast and Southwest Areas Pension Fund and Arthur H. Bunte, Jr., certify that on Wednesday, November 01, 2017, I caused the foregoing *Plaintiffs' Motion for Entry of Judgment Against Michael Mrowicki* to be filed electronically. This filing was served on all parties indicated on the electronic filing receipt via the Court's electronic filing system. For all other parties, I served the foregoing *Plaintiffs' Motion for Entry of Judgment Against Michael Mrowicki* by mailing on Wednesday, November 01, 2017, said document via UPS Next Day Air and first class mail to:

Michael Mrowicki
2007 Pulaski
Peru, IL 61354

/s/ Anthony E. Napoli
Anthony E. Napoli
One of Central States' Attorneys